

## Election of chair and vice chair

The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 cover the procedures that governing bodies are required to follow.

### Election of the chair and vice-chair

The governing body must elect a chair and a vice-chair. There are no regulations prescribing the election process as it is believed that governing bodies are best placed to decide how to organise this, but those standing for election should withdraw from the meeting when a vote is taken. Governors who are paid to work at the school, for instance the headteacher and staff governors, cannot be elected as chair or vice-chair. The chair and vice-chair can resign at any time by giving notice in writing to the clerk.

### Terms of office of the chair and vice-chair

The governing body must determine the length of the term of office of the chair and vice chair (and when it will end) prior to the election. The minimum term of office is one year and the maximum period is four years.

A governor can be elected as chair or vice chair and when their term of office as chair or vice chair expires still remain a governor if their governor term of office has not ended. If a governor is elected chair or vice-chair and their term of office as a governor is due to end before the period of time decided on as the chair or vice chair term of office, then their term of office ends when the governor term of office ends.

When the office of chair or vice-chair becomes vacant, the governing body must elect a new chair or vice-chair at the next meeting. If the chair is absent from a meeting, or if the office of chair is vacant, the vice-chair will act as chair for all purposes. The agreed procedure will apply any time there is a vacancy for chair or vice chair.

### Election process

The governing body needs to decide on the process they wish to use ideally one term prior to a chair or vice chairs term of office ending. It may be simply confirming the current arrangements or an opportunity to change them if the governing body wishes to do so. The governors must agree the process they wish to use to elect the chair and vice chair and the length of their term of office.

When carrying out elections it is the first item on a full governing body agenda. The clerk must act as chair during the election of the chair (but does not have a casting vote) and must ensure that the meeting is quorate to carry out the election process. The clerk should remind governors of the criteria for eligibility. Governors who are employed to work at the school, (either under a contract of employment or a contract of services) are not eligible to stand for election. Those standing for election should withdraw from the meeting when a vote is taken.

If there is only one nomination a vote must still take place. The nominated governor must leave the room. The vote must then be held. The governing body should have determined in advance how this decided e.g. secret ballot, open vote i.e. show of hands. If there is more than one nomination and following a secret ballot there is a tie governors should vote again and if it remains a tie, the candidates must draw lots. Finally, the clerk will announce who has been duly elected chair of the governing body. The newly elected chair then takes over for the election of vice-chair.

The governing body may reject all nominees for chair if they choose. If the governing body has the quorum to elect the vice-chair they should proceed to do so. If a governing body cannot elect a chair or vice-chair they can complete the rest of the agenda before adjourning, with the meeting being chaired by the previous chair or vice-chair, the new vice-chair or a governor appointed as chair for the purpose of the meeting, as appropriate. A further meeting date must be set for election of chair/vice-chair.

Under the 2013 Regulations the governing body may approve alternative arrangements for governors to participate or vote at meetings of the full governing body including but not limited to telephone or video conferencing. This means they if the governing body have approved this in advance governors would be allowed to vote by proxy. We recommend that the governing body takes a decision regarding if they would allow this and if so in what circumstances in advance of any meetings and review annually. Issues of confidentiality need to be taken into account and if a governing body agrees to they must also ensure access to appropriate equipment. For your information in the Academy model articles a person must give at least 48 hours-notice prior to a meeting. They also imply that the 'remote' person is part of the quorum, as if the technology fails, 'the meetings may still proceed provided it is otherwise quorate'.

### Quorum

The quorum for any governing body meeting and vote must be one half (rounded up to a whole number) of the complete membership of the governing body, excluding any vacancies. This does not include additional governors and associate members as they are not recorded on the instrument of government. Additional governors do have voting rights with regard to the appointment and removal of a chair and vice chair but associate members do not.

### Removal of the chair or vice-chair from office

The governing body may by resolution remove the chair or vice-chair from office unless the chair has been nominated by the Secretary of State for Education under Section 67 of the Education and Inspections Act 2006.

A resolution to remove the chair or vice-chair from office will not have effect unless the matter is specified as an item of business on the governing body and the agenda. As for all meetings we recommend that this must be circulated to governing body members at least seven clear days in advance of the meeting.

Before the governing body resolve to remove the chair or vice chair from office, the governor proposing the chair or vice chair's removal must at the meeting state their reasons for doing so and the chair or vice chair, must be given the opportunity to make a statement in response, before withdrawing from the meeting. The governing body can then vote on the proposal to remove the chair or vice-chair from office.

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